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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
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14 BRANDON ROBERTO DAUGHERTY,) CIVIL NO. 1:21-cv-00417-EPG
15 Plaintiff,)
16 v.) STIPULATION TO VOLUNTARY
17 KILOLO KIJAKAZI¹,) REMAND PURSUANT TO SENTENCE
Acting Commissioner of Social Security,) FOUR OF 42 U.S.C. § 405(g) AND TO
18 Defendant.) ENTRY OF JUDGMENT; ORDER
(ECF No. 16)
19)

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 attorneys, and with the approval of the Court, that this action be remanded for further
22 administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C.
23 § 405(g), sentence four. On remand, the Appeals Council will remand the case to an
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27 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
28 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g).

1 administrative law judge (ALJ) for a new decision. The parties further request that the Court
2 direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against
3 Defendant, reversing the final decision of the Acting Commissioner.

4 Respectfully submitted this 28th day of October 2021.

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6 Dated: October 28, 2021

/s/ Jonathan Omar Pena*

JONATHAN OMAR PENA

Attorney for Plaintiff

*Authorized via e-mail on October 28, 2021

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10 PHILLIP A. TALBERT

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13 By: /s/ Justin L. Martin

JUSTIN L. MARTIN

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ORDER

Based upon the parties' stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (ECF No. 16), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Acting Commissioner of Social Security for further proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge for a new decision in accordance with the parties' Stipulation. The Clerk of the Court is directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: **October 29, 2021**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE